



General Assembly

January Session, 2009

Raised Bill No. 6417

LCO No. 3176

03176_____HS_

Referred to Committee on Human Services

Introduced by:
(HS)

AN ACT CONCERNING MEDICAID ADMINISTRATION AND SERVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) There is established a
2 commission on managing and improving services for Medicaid
3 recipients. The commission shall be comprised of the chairpersons and
4 ranking members of the joint standing committee of the General
5 Assembly having cognizance of matters relating to human services, the
6 Commissioner of Social Services and six members of the public
7 knowledgeable about health care services, one each appointed by the
8 president pro tempore of the Senate, the speaker of the House of
9 Representatives, the majority leader of the Senate, the majority leader
10 of the House of Representatives, the minority leader of the Senate and
11 the minority leader of the House of Representatives. The commission
12 shall investigate ways to improve the quality of services provided to
13 recipients of state services under federal Medicaid waivers by
14 coordinating care, certifying and tracking providers, improving
15 provider training and increasing retention of providers' employees.

16 Sec. 2. (NEW) (*Effective July 1, 2009*) For the fiscal year ending June

17 30, 2010, and each fiscal year thereafter, for any new or expanded
18 initiative included in the appropriation to the Department of Social
19 Services in the budget document, the Commissioner of Social Services
20 shall issue quarterly progress reports on the status of the
21 implementation of such initiatives to the joint standing committees of
22 the General Assembly having cognizance of matters relating to
23 appropriations and the budgets of state agencies and human services,
24 and to the Office of Fiscal Analysis, in accordance with the provisions
25 of section 11-4a of the general statutes.

26 Sec. 3. Section 17b-10 of the general statutes is repealed and the
27 following is substituted in lieu thereof (*Effective July 1, 2009*):

28 (a) The Department of Social Services shall prepare and routinely
29 update state medical services and public assistance manuals. The
30 pages of such manuals shall be consecutively numbered and indexed,
31 containing all departmental policy regulations and substantive
32 procedure, written in clear and concise language. Said manuals shall
33 be published by the department and distributed so that they are
34 available to (1) all regional and subregional offices of the Department
35 of Social Services; (2) each town hall in the state; (3) all legal assistance
36 programs in the state; and (4) any interested member of the public who
37 requests a copy. All policy manuals of the department, as they exist on
38 May 23, 1984, including the supporting bulletins but not including
39 statements concerning only the internal management of the
40 department and not affecting private rights or procedures available to
41 the public, shall be construed to have been adopted as regulations in
42 accordance with the provisions of chapter 54. [After] For the period
43 commencing May 23, 1984, and ending December 31, 2009, any policy
44 issued by the department, except a policy necessary to conform to a
45 requirement of a federal or joint federal and state program
46 administered by the department, including, but not limited to, the state
47 supplement program to the Supplemental Security Income Program,
48 shall be adopted as a regulation in accordance with the provisions of
49 chapter 54. On and after January 1, 2010, any policy issued by the

50 department shall be adopted as a regulation in accordance with the
51 provisions of chapter 54. The provisions of subsections (b), (c) and (d)
52 of this section shall not apply to any policy issued after December 31,
53 2009.

54 (b) The department shall adopt as a regulation in accordance with
55 the provisions of chapter 54, any new policy necessary to conform to a
56 requirement of an approved federal waiver application initiated in
57 accordance with section 17b-8 and any new policy necessary to
58 conform to a requirement of a federal or joint state and federal
59 program administered by the department, including, but not limited
60 to, the state supplement program to the Supplemental Security Income
61 Program, but the department may, for the period commencing May 23,
62 1984, and ending December 31, 2009, operate under such policy while
63 it is in the process of adopting the policy as a regulation, provided the
64 Department of Social Services prints notice of intent to adopt the
65 regulation in the Connecticut Law Journal within twenty days after
66 adopting the policy. Such policy shall be valid until the time final
67 regulations are effective.

68 (c) On and after July 1, 2004, the department shall submit proposed
69 regulations that are required by subsection (b) of this section to the
70 standing legislative regulation review committee, as provided in
71 subsection (b) of section 4-170, not later than one hundred eighty days
72 after publication of the notice of its intent to adopt regulations. The
73 department shall include with the proposed regulation a statement
74 identifying (1) the date on which the proposed regulation became
75 effective as a policy as provided in subsection (b) of this section, and
76 (2) any provisions of the proposed regulation that are no longer in
77 effect on the date of the submittal of the proposed regulation, together
78 with a list of all policies that the department has operated under, as
79 provided in subsection (b) of this section, that superseded any
80 provision of the proposed regulation.

81 (d) In lieu of submitting proposed regulations by the date specified

82 in subsection (c) of this section, the department may submit to the
83 legislative regulation review committee a notice not later than thirty-
84 five days before such date that the department will not be able to
85 submit the proposed regulations on or before such date and shall
86 include in such notice (1) the reasons why the department will not
87 submit the proposed regulations by such date, and (2) the date by
88 which the department will submit the proposed regulations. The
89 legislative regulation review committee may require the department to
90 appear before the committee at a time prescribed by the committee to
91 further explain such reasons and to respond to any questions by the
92 committee about the policy. The legislative regulation review
93 committee may request the joint standing committee of the General
94 Assembly having cognizance of matters relating to human services to
95 review the department's policy, the department's reasons for not
96 submitting the proposed regulations by the date specified in
97 subsection (c) of this section and the date by which the department will
98 submit the proposed regulations. Said joint standing committee may
99 review the policy, such reasons and such date, may schedule a hearing
100 thereon and may make a recommendation to the legislative regulation
101 review committee.

102 (e) If amendments to an existing regulation are necessary solely to
103 conform the regulation to amendments to the general statutes, and if
104 the amendments to the regulation do not entail any discretion by the
105 department, the department may elect to comply with the
106 requirements of subsection (a) of section 4-168 or may proceed without
107 prior notice or hearing. Any such amendments to a regulation shall be
108 submitted in the form and manner prescribed in subsection (b) of
109 section 4-170, to the Attorney General, as provided in section 4-169,
110 and to the committee, as provided in section 4-170, for approval and
111 upon approval shall be filed in the office of the Secretary of the State.

112 (f) On and after January 1, 2010, concurrent with the submission of a
113 proposed regulation to the standing legislative regulation review
114 committee, in accordance with subsection (b) of section 4-170, (1) the

115 Department of Social Services shall submit such proposed regulation
116 to the joint standing committee of the General Assembly having
117 cognizance of matters relating to human services. The joint standing
118 committee of the General Assembly having cognizance of matters
119 relating to human services shall review such proposed regulation and
120 make a recommendation to the legislative regulation review committee
121 on whether such regulation should be approved; (2) the department
122 shall submit any proposed regulation affecting the Medicaid program
123 and the HUSKY Plan to the advisory council on Medicaid managed
124 care, established pursuant to section 17b-28, as amended by this act.
125 Said council shall review the proposed regulation and make a
126 recommendation to the legislative regulation review committee on
127 whether such regulation should be approved; and (3) the Department
128 of Social Services shall submit any proposed regulation affecting the
129 Behavioral Health Partnership to the Behavioral Health Partnership
130 Oversight Council, established pursuant to section 17a-22j. Said
131 council shall review the proposed regulation and make a
132 recommendation to the legislative regulation review committee on
133 whether such regulation should be approved.

134 Sec. 4. Section 17a-6 of the general statutes is repealed and the
135 following is substituted in lieu thereof (*Effective July 1, 2009*):

136 The commissioner, or the commissioner's designee, shall:

137 (a) Establish or contract for the use of a variety of facilities and
138 services for identification, evaluation, discipline, rehabilitation,
139 aftercare, treatment and care of children and youths in need of the
140 department's services;

141 (b) Administer in a coordinated and integrated manner all
142 institutions and facilities which are or may come under the jurisdiction
143 of the department and may appoint advisory groups for any such
144 institution or facility;

145 (c) Encourage the development of programs and the establishment

146 of facilities for children and youths by public or private agencies and
147 groups;

148 (d) Enter into cooperative arrangements with public or private
149 agencies outside the state;

150 (e) Insure that all children under the commissioner's supervision
151 have adequate food, clothing, shelter and adequate medical, dental,
152 psychiatric, psychological, social, religious and other services;

153 (f) Provide, in the commissioner's discretion, needed service to any
154 municipality, agency, or person, whether or not such person is
155 committed to the commissioner;

156 (g) Adopt and enforce regulations and establish rules for the
157 internal operation and administration of the department in accordance
158 with chapter 54 and submit any proposed regulation affecting the
159 Behavioral Health Partnership to the Behavioral Health Partnership
160 Oversight Council, established pursuant to section 17a-22j, for the
161 council's review and recommendation to the legislative regulation
162 review committee on whether such regulation should be approved;

163 (h) Undertake, contract for or otherwise stimulate research
164 concerning children and youths;

165 (i) Subject to the provisions of chapter 67, appoint such professional,
166 technical and other personnel as may be necessary for the efficient
167 operation of the department;

168 (j) Coordinate the activities of the department with those of other
169 state departments, municipalities and private agencies concerned with
170 providing services for children and youths and their families;

171 (k) Act as administrator of the Interstate Compact for Juveniles
172 under section 46b-151h;

173 (l) Provide or arrange for the provision of suitable education for

174 every child under the commissioner's supervision, either in public
175 schools, special educational programs, private schools, educational
176 programs within the institutions or facilities under the commissioner's
177 jurisdiction, or work and training programs otherwise provided by
178 law. The suitability of educational programs provided by the
179 commissioner shall be subject to review by the Department of
180 Education;

181 (m) Submit to the state advisory council for its comment proposals
182 for new policies or programs and the proposed budget for the
183 department;

184 (n) Have any and all other powers and duties as are necessary to
185 administer the department and implement the purposes of sections
186 17a-1 to 17a-26, inclusive, and 17a-28 to 17a-49, inclusive;

187 (o) Conduct and render a final decision in administrative hearings;
188 and

189 (p) Provide programs for juvenile offenders that are gender specific
190 in that they comprehensively address the unique needs of a targeted
191 gender group.

192 Sec. 5. Subsection (b) of section 17b-28 of the general statutes is
193 repealed and the following is substituted in lieu thereof (*Effective July*
194 *1, 2009*):

195 (b) The council shall make recommendations concerning (1)
196 guaranteed access to enrollees and effective outreach and client
197 education; (2) available services comparable to those already in the
198 Medicaid state plan, including those guaranteed under the federal
199 Early and Periodic Screening, Diagnostic and Treatment Services
200 Program under 42 USC 1396d; (3) the sufficiency of provider networks;
201 (4) the sufficiency of capitated rates provider payments, financing and
202 staff resources to guarantee timely access to services; (5) participation
203 in managed care by existing community Medicaid providers; (6) the

204 linguistic and cultural competency of providers and other program
 205 facilitators; (7) quality assurance; (8) timely, accessible and effective
 206 client grievance procedures; (9) coordination of the Medicaid managed
 207 care plan with state and federal health care reforms; (10) eligibility
 208 levels for inclusion in the program; (11) cost-sharing provisions; (12) a
 209 benefit package; (13) coordination with coverage under the HUSKY
 210 Plan, Part B; (14) the need for program quality studies within the areas
 211 identified in this section and the department's application for available
 212 grant funds for such studies; (15) the managed care portion of the
 213 state-administered general assistance program; [and] (16) any
 214 proposed regulations of the Department of Social Services concerning
 215 the Medicaid program and the HUSKY Plan in accordance with
 216 subsection (f) of section 17b-10, as amended by this act; and (17) other
 217 issues pertaining to the development of a Medicaid Research and
 218 Demonstration Waiver under Section 1115 of the Social Security Act.

219 Sec. 6. Section 17b-28e of the general statutes is repealed and the
 220 following is substituted in lieu thereof (*Effective July 1, 2009*):

221 (a) The Commissioner of Social Services shall amend the Medicaid
 222 state plan to include: [on] (1) On and after January 1, 2009, hospice
 223 services as optional services covered under the Medicaid program; and
 224 (2) on and after January 1, 2010, podiatry services as optional services
 225 covered under the Medicaid program. Said state plan [amendment]
 226 amendments shall supersede any regulations of Connecticut state
 227 agencies concerning such optional services.

228 (b) The Commissioner of Social Services shall amend the Medicaid
 229 state plan to include foreign language interpreter services provided to
 230 any beneficiary with limited English proficiency as a covered service
 231 under the Medicaid program.

232 Sec. 7. Subsection (f) of section 17a-22j of the general statutes is
 233 repealed and the following is substituted in lieu thereof (*Effective July*
 234 *1, 2009*):

235 (f) The council shall make specific recommendations on matters
 236 related to the planning and implementation of the Behavioral Health
 237 Partnership which shall include, but not be limited to: (1) Review of
 238 any contract entered into by the Departments of Children and Families
 239 and Social Services with an administrative services organization, to
 240 assure that the administrative services organization's decisions are
 241 based solely on clinical management criteria developed by the clinical
 242 management committee established in section 17a-22k; (2) review of
 243 behavioral health services pursuant to Title XIX and Title XXI of the
 244 Social Security Act to assure that federal revenue is being maximized;
 245 [and] (3) review of any proposed regulations concerning the
 246 Behavioral Health Partnership submitted by the Departments of
 247 Children and Families and Social Services in accordance with
 248 subsection (g) of section 17a-6, as amended by this act, and subsection
 249 (f) of section 17b-10, as amended by this act; (4) review of periodic
 250 reports on the program activities, finances and outcomes, including
 251 reports from the director of the Behavioral Health Partnership on
 252 achievement of service delivery system goals, pursuant to section 17a-
 253 22i. The council may conduct or cause to be conducted an external,
 254 independent evaluation of the Behavioral Health Partnership.

255 Sec. 8. Subsection (g) of section 17b-192 of the general statutes is
 256 repealed and the following is substituted in lieu thereof (*Effective from*
 257 *passage*):

258 (g) On or before January 1, [2008] 2010, the Commissioner of Social
 259 Services shall seek a waiver of federal law for the purpose of extending
 260 health insurance coverage under Medicaid to (1) persons with income
 261 not in excess of one hundred per cent of the federal poverty level who
 262 otherwise qualify for medical assistance under the state-administered
 263 general assistance program, and (2) persons who qualify for medical
 264 assistance under the state-administered general assistance program. If
 265 the commissioner fails to submit a waiver by January 1, 2010, as
 266 provided in this subsection, the commissioner shall submit a written
 267 report, in accordance with the provisions of section 11-4a, to the joint

268 standing committee of the General Assembly having cognizance of
269 matters relating to human services not later than February 1, 2010,
270 explaining the reasons for such failure. The provisions of section 17b-8
271 shall apply to this section.

272 Sec. 9. Subsection (a) of section 17b-297 of the general statutes is
273 repealed and the following is substituted in lieu thereof (*Effective July*
274 *1, 2009*):

275 (a) The commissioner, in consultation with the Children's Health
276 Council, the [Medicaid Managed Care Council] advisory council on
277 Medicaid managed care, established pursuant to section 17b-28, as
278 amended by this act, and the 2-1-1 Infoline program, shall develop
279 mechanisms to increase outreach and maximize enrollment of eligible
280 children and adults in the HUSKY Plan, Part A or Part B, including,
281 but not limited to, development of mail-in applications and
282 appropriate outreach materials through the Department of Revenue
283 Services, the Labor Department, the Department of Social Services, the
284 Department of Public Health, the Department of Children and Families
285 and the Office of Protection and Advocacy for Persons with
286 Disabilities. Such mechanisms shall seek to maximize federal funds
287 where appropriate for such outreach activities.

288 Sec. 10. Section 17b-306a of the general statutes is repealed and the
289 following is substituted in lieu thereof (*Effective July 1, 2009*):

290 (a) The Commissioner of Social Services, in collaboration with the
291 Commissioners of Public Health and Children and Families, shall
292 establish a child health quality improvement program for the purpose
293 of promoting the implementation of evidence-based strategies by
294 providers participating in the HUSKY Plan, Part A and Part B to
295 improve the delivery of and access to children's health services. Such
296 strategies shall focus on physical, dental and mental health services
297 and shall include, but need not be limited to: (1) Methods for early
298 identification of children with special health care needs; (2) integration
299 of care coordination and care planning into children's health services;

300 (3) implementation of standardized data collection to measure
301 performance improvement; and (4) implementation of family-centered
302 services in patient care, including, but not limited to, the development
303 of parent-provider partnerships. The Commissioner of Social Services
304 shall seek the participation of public and private entities that are
305 dedicated to improving the delivery of health services, including
306 medical, dental and mental health providers, academic professionals
307 with experience in health services research and performance
308 measurement and improvement, and any other entity deemed
309 appropriate by the Commissioner of Social Services, to promote such
310 strategies. The commissioner shall ensure that such strategies reflect
311 new developments and best practices in the field of children's health
312 services. As used in this section, "evidence-based strategies" means
313 policies, procedures and tools that are informed by research and
314 supported by empirical evidence, including, but not limited to,
315 research developed by organizations such as the American Academy
316 of Pediatrics, the American Academy of Family Physicians, the
317 National Association of Pediatric Nurse Practitioners and the Institute
318 of Medicine.

319 (b) Not later than July 1, 2008, and annually thereafter, the
320 Commissioner of Social Services shall report, in accordance with
321 section 11-4a, to the joint standing committees of the General
322 Assembly having cognizance of matters relating to human services,
323 public health and appropriations, and to the [Medicaid Managed Care
324 Council] advisory council on Medicaid managed care, established
325 pursuant to section 17b-28, as amended by this act, on (1) the
326 implementation of any strategies developed pursuant to subsection (a)
327 of this section, and (2) the efficacy of such strategies in improving the
328 delivery of and access to health services for children enrolled in the
329 HUSKY Plan.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>from passage</i>	New section
Sec. 2	<i>July 1, 2009</i>	New section
Sec. 3	<i>July 1, 2009</i>	17b-10
Sec. 4	<i>July 1, 2009</i>	17a-6
Sec. 5	<i>July 1, 2009</i>	17b-28(b)
Sec. 6	<i>July 1, 2009</i>	17b-28e
Sec. 7	<i>July 1, 2009</i>	17a-22j(f)
Sec. 8	<i>from passage</i>	17b-192(g)
Sec. 9	<i>July 1, 2009</i>	17b-297(a)
Sec. 10	<i>July 1, 2009</i>	17b-306a

Statement of Purpose:

To improve administration of the Medicaid program.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]